

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Michelle MacDonald Shimota and  
Thomas G. Shimota,

Case No.: 15-CV-01590 (JRT/KMM)

Plaintiffs,

v.

Bob Wegner, individually, and in his  
official capacity; Christopher Melton,  
individually, and in his official  
capacity; Timothy Gonder,  
individually, and in his official  
capacity; Jon Napper, individually  
and in his official capacity; Daniel  
Fluegel, Fluegel Law Firm P.A.,  
Dakota County, and John and/or Jane  
Does 1-10,

**DECLARATION OF DANIEL  
FLUEGEL IN SUPPORT OF  
MOTION TO QUASH SUBPOENA**

Defendants.

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DANIEL FLUEGEL, hereby affirms under penalty of perjury, as follows:

1. I am an attorney duly licensed to practice law in the state of Minnesota.
2. On November 22, 2016, the Subpoena to Testify at a Deposition in a Civil Action, a copy of which is attached hereto as Exhibit A, was left with the receptionist at my law office. No witness or mileage fees were tendered with the subpoena.
3. I had no advance notice that this subpoena was forthcoming, nor was I consulted regarding my availability for a deposition.
4. I am not available to appear for a deposition on the date indicated in the subpoena—November 29, 2016 at 1:00 p.m.

5. The records requested to be produced in the subpoena contain information prepared in anticipation of litigation, work product, and information protected by the attorney-client privilege.

Dated: November 23, 2016

/s/ Daniel Fluegel

Daniel Fluegel

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